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Attorneys for Plaintiffs Gregory R. Raifman and
 Susan Raifman, individually and as Trustees for the
 Raifman Family Revocable Trust Dated 7/2/03,
 and Gekko Holdings, LLC, an Alaska
 limited liability company, dba Gekko Breeding and Racing

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

GREGORY R. RAIFMAN, individually and as
 Trustee of the RAIFMAN FAMILY
 REVOCABLE TRUST DATED 7/2/03, SUSAN
 RAIFMAN, individually and as Trustee of the
 RAIFMAN FAMILY REVOCABLE TRUST
 DATED 7/2/03, and GEKKO HOLDINGS, LLC,
 an Alaska limited liability company, dba GEKKO
 BREEDING AND RACING,

Plaintiffs,

v.

CLASSICSTAR, LLC, a Utah limited liability
 company, CLASSICSTAR FARMS, LLC, a
 Kentucky limited liability company, BUFFALO
 RANCH, a business entity form unknown,
 GEOSTAR CORPORATION, a Delaware
 corporation, S. DAVID PLUMMER, SPENCER
 D. PLUMMER III, TONY FERGUSON,
 THOMAS ROBINSON, JOHN PARROT,
 HANDLER, THAYER & DUGGAN, LLC, an
 Illinois Limited Liability Company, THOMAS J.
 HANDLER, KARREN, HENDRIX, STAGG,
 ALLEN & COMPANY, P.C., a Utah professional
 corporation f/k/a KARREN, HENDRIX &
 ASSOCIATES, P.C., a Utah professional
 corporation, TERRY L. GREEN, and DOES 1-
 1000 inclusive,

Defendants.

CASE NO. C 07-02552 MJJ

**DECLARATION OF RICHARD J. IDELL IN
 SUPPORT OF PLAINTIFFS' OPPOSITION
 TO MOTION TO SET ASIDE DEFAULT**

Date: August 28, 2007
Time: 9:30 a.m.
Place: 450 Golden Gate Avenue
 San Francisco, CA 94102
 Courtroom 11

Complaint Filed: May 14, 2007

The Honorable Martin J. Jenkins

1 I, Richard J. Idell, do state as follows under the penalty of perjury:

2 1. I am an attorney at law licensed to practice before all of the courts of the State of
3 California and attorney for the Plaintiff GREGORY R. RAIFMAN, individually and as Trustee of the
4 RAIFMAN FAMILY REVOCABLE TRUST DATED 7/2/03, SUSAN RAIFMAN, individually and
5 as Trustee of the RAIFMAN FAMILY REVOCABLE TRUST DATED 7/2/03, and GEKKO
6 HOLDINGS, LLC, an Alaska limited liability company, dba GEKKO BREEDING AND RACING
7 (hereinafter collectively referred to as "Plaintiffs").

8 2. I am familiar with all of the records and files in this action and the investigation and
9 underlying facts supporting the Plaintiffs' Opposition to Motion to Set Aside Default.

10 3. All of the matters set forth herein are stated of my own personal knowledge or based on
11 my review of the files and records in this action, and if sworn as a witness I could testify competently
12 to the matters set forth herein.

13 4. Pursuant to F.R.C.P. 4(e) and California Code of Civil Procedure § 413.10, on May 24,
14 2007, Plaintiff caused the Complaint and Summons to be personally served on the following
15 Defendants as follows:

16 a. On behalf of Defendant HANDLER, THAYER & DUGGAN, LLC, an Illinois Limited
17 Liability Company, Thomas Handler, Partner of HANDLER, THAYER & DUGGAN,
18 LLC, an Illinois Limited Liability Company, located at 191 N. Wacker Drive, 23rd
19 Floor, Chicago, Illinois 60606. This service is evidenced by the proof of service of
20 Summons on file with this Court and attached hereto as Exhibit "A."

21 b. Defendant THOMAS J. HANDLER was personally served at 191 N. Wacker Drive,
22 23rd Floor, Chicago, Illinois 60606. This service is evidenced by the proof of service of
23 Summons on file with this Court and attached hereto as Exhibit "B."

24 5. Pursuant to F.R.C.P. 12(a)(1)(A) and F.R.C.P. 6(a) and 6(e), Defendants had twenty
25 (20) days from the date of service, or until June 13, 2007, to file an answer to the Complaint. The time
26 allowed by law for said Defendants to respond to the Complaint expired on June 13, 2007.

27 6. On July 9, 2007, Plaintiffs filed a Request for Entry of Default.

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7. On July 11, 2007, the Clerk of the above-entitled Court entered Default against Defendants HANDLER, THAYER & DUGGAN, LLC and THOMAS J. HANDLER. That same day, July 11, 2007, Plaintiffs filed a Notice of Entry of Default and served it on all parties to the action, including HANDLER, THAYER & DUGGAN, LLC and THOMAS J. HANDLER.

8. Plaintiffs heard nothing from HANDLER, THAYER & DUGGAN, LLC nor THOMAS J. HANDLER, nor its carrier, nor its defense counsel between May 24, 2007, when they were served, and July 13, 2007, when Mr. Drath sent Plaintiffs' counsel a letter confirming receipt of the Notice of Entry of Default and notifying Plaintiffs that he would be filing a Motion to Set Aside the Default. A true and correct copy of Mr. Drath's letter is attached hereto as Exhibit "C." The letter from Mr. Drath was the first contact from his office. I never heard from his paralegal.

I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct. Executed this 7th day of August, 2007, in San Francisco, California.

RICHARD J. IDELL

PROOF OF SERVICE

I am employed in the City and County of San Francisco, State of California in the office of a member of the bar of this court at whose direction the following service was made. I am over the age of eighteen years and not a party to the within action. My business address is Idell & Seitel LLP 465 California Street, Suite 300, San Francisco, California 94104.

On August 7, 2007, I served the following document(s):

DECLARATION IN SUPPORT OF PLAINTIFFS' OPPOSITION TO MOTION TO SET ASIDE DEFAULT

☒ by regular **UNITED STATES MAIL** by placing a true and correct copy in a sealed envelope addressed as shown below. I am readily familiar with the practice of Idell & Seitel LLP for collection and processing of correspondence for mailing. According to that practice, items are deposited with the United States Postal Service at San Francisco, California on that same day with postage thereon fully prepaid. I am aware that, on motion of the party served, service is presumed invalid if the postal cancellation date or the postage meter date is more than one day after the date of deposit for mailing stated in this affidavit.

☒ by **ELECTRONIC MAIL**. As this case is subject to the United States District Court for the Northern District of California ECF program, pursuant to General Rule 45, upon the filing of the above-entitled document(s) an automatically generated e-mail message was generated by the Court's electronic filing system and sent to the address(es) shown below and constitutes service on the receiving party.

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8 Attorney for Handler, Thayer & Duggan, LLC
and Thomas J. Handler, J.D., P.C.

9
10
11 I certify and declare under penalty of perjury under the laws of the State of California that the
12 foregoing is true and correct and I executed this declaration at San Francisco, California.

13 
14 _____
Suzanne Slavens